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Attorney for Judgment Creditor
Crystal Lei

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEMAS YAN,

Appellant,

vs.

CRYSTAL LEI et al.,

Appellees.

) Case No.: 11-CV-1814-RS (JSC)

)
)
)
) **DECLARATION OF BRIAN S. HEALY**
) **FOLLOWING HEARING ON**
) **JUDGMENT CREDITOR CRYSTAL**
) **LEI'S MOTION FOR FURTHER CIVIL**
) **CONTEMPT AND SANCTIONS ON**
) **JUDGMENT DEBTOR DEMAS YAN**

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)
) Judge: Hon. Jacqueline Scott Corley
) Hearing Date: November 14, 2019
) Time: 9:00 a.m.
) Place: Court Rm. F, 15 Floor
) 450 Golden Gate Ave. S.F.

1 I, Brian S. Healy, declare:

2
3 1. I am an attorney duly licensed to practice law by the State of California and am authorized to
4 practice law throughout the State of California. I am familiar with the matter stated in this
5 declaration from my own personal knowledge, were I called to testify, I would be competent to
6 and would do so.

7 2. I am the attorney for judgment creditor, Crystal Lei ("Lei").

8 3. On August 7, 2019, this Court set an Order of Examination ("OEX") for Demas Yan for
9 September 25, 2019, at 9:00 a.m.

10 4. The OEX was personally served on Demas Yan on August 19, 2019.

11 5. The OEX was served with a civil subpoena which required that Demas Yan produce
12 documents relating to the OEX. A true and correct copy of that civil subpoena is attached hereto
13 as Exhibit A.

14 6. The first and only communication I received from Demas Yan was an email time stamped
15 8:44 pm on Monday, September 23, 2019. The entirety of the email was "I will not appear
16 because there is a standing restraining order that I stay 100 yards away from your clients Bryant,
17 Tony, and Crystal."

18 7. At no time did Demas Yan request that my clients [Crystal Lei and Bryant Fu] not attend the
19 OEX or to make alternative arrangements regarding the OEX, nor did he seek the involvement of
20 this Court in seeking a protective order.

21 8. I attended the OEX on September 25, 2019 as scheduled. There was no appearance by
22 Demas Yan.
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1 9. In a prior order of this Court, on April 10, 2019, this Court order Demas Yan to produce
2 complete copies of tax returns for the tax years to my office. I received one email from Demas
3 Yan on April 24, 2019 which transmitted 20 pages of unsigned and incomplete tax returns – no
4 schedules were attached to any of the tax returns.

5 10. My email to Demas Yan noting the deficiency in his production yielded no reply.

6 11. I would estimate that in drafting and appearing at the April 2019 contempt motion, preparing
7 for and attending the schedule debtor's examination of Demas Yan, and drafting this motion I
8 have incurred attorney's fees of \$2,500.

9
10 I declare under penalty of perjury under the laws of the State of California that the above
11 is true and correct and that this declaration is executed at San Francisco, California, this 3rd day
12 of October 2019.

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16 Brian S. Healy
17 Attorney for Crystal Lei
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EXHIBIT A

SUBP-002

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Brian S. Healy SBN 112371 351 California Street, Suit 600, San Francisco, CA 94104 TELEPHONE NO.: (415) 974-1900 FAX NO.: (415) 974-6433 E-MAIL ADDRESS: ATTORNEY FOR (Name): Judgment Creditor - Crystal Lei	FOR COURT USE ONLY
NAME OF COURT: United States District Court STREET ADDRESS: 450 Golden Gate Ave. MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Northern District	
PLAINTIFF/ PETITIONER: Demas W. Yan DEFENDANT/ RESPONDENT: Crystal Lei	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION	
CASE NUMBER: 3:11-CV-01814-RS (JSC)	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

Demas Yan a/k/a Demas Wai Yan a/k/a Dennis Yan

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action at the date, time, and place shown in the box below **UNLESS** your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.


a. Date: **September 25, 2019** Time: **9:00 a.m.** ☐ Dept.: **15 Fl** ☐ Div.: ☐ Room: **F**
 b. Address: **450 Golden Gate Ave., San Francisco, CA 94102**

2. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
3. **YOU ARE** (item a or b must be checked):
- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
- a. Name of subpoenaing party or attorney: **Brian S. Healy** b. Telephone number: **(415) 974-1900**
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: **August 15, 2019****Brian S. Healy**

(TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)
Attorney for Judgment Creditor Crystal Lei
 (TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

SUBP-002

PLAINTIFF/PETITIONER: Demas W. Yan	CASE NUMBER
DEFENDANT/RESPONDENT: Crystal Lei	3:11-CV-01814-RS (JSC)

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☒ the attached affidavit or ☐ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☐ attorney for (specify): ☐ other (specify):
in the above-entitled action.
2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Attached Declaration

(TYPE OR PRINT NAME)

(SIGNATURE OF

☐ SUBPOENAING PARTY

☐

ATTORNEY FOR
SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

SUBP-002

PLAINTIFF/PETITIONER: Demas W. Yan	CASE NUMBER: 3:11-CV-01814-RS (JSC)
DEFENDANT/RESPONDENT: Crystal Lei	

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees (check one):

(1) ☐ were offered or demanded and paid. Amount: \$ _____

(2) ☐ were not demanded or paid.

f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff or marshal.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Business and Professions Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Judge: Hon. Jacqueline Scott Corley
Hearing Date: September 25, 2019
Time: 9:00 A.M.
Place: Court Rm. F, 15 Floor
450 Golden Gate Ave. S.F.

1 I, Brian S. Healy, declare:

2
3 1. I am an attorney duly licensed to practice law by the State of California and am
4 counsel to judgment creditor Crystal Lei ("Lei") in the above-referenced matter. I am familiar
5 with the matter stated in this declaration from my own personal knowledge, were I called to
6 testify, I would be competent to and would do so.

7 2. Judgment debtor Demas Yan ("Debtor") has been ordered to appear for a debtor's
8 examination pursuant to Code of Civil Procedure § 708.110, *et seq.* The debtor's examination is
9 necessary in order for Lei to determine the assets of the Debtor so Lei may take steps to enforce
10 the judgment against Debtor.

11 3. In that regards, it is necessary and appropriate that Lei have access to documents
12 in Debtor's possession, custody, and/or control which reflect upon the Debtor's assets. The
13 documents to be produced at the debtor's examination are as follows:

14 **DEFINITIONS AND INSTRUCTIONS**

15 Unless the context indicates otherwise, the following words and phrases will be defined
16 and used herein as follows:

17 A. Debtor Demas Yan is referred to herein as "DEBTOR" and use of the term
18 "DEBTOR" refers to all of DEBTOR's past and present attorneys, accountants, employees,
19 agents, representative, corporations, predecessor or successor corporations, partnerships and
20 anyone else acting on DEBTOR's behalf or otherwise subject to its control.

21 B. "PERSON" as used herein refers to and includes any natural individual,
22 governmental entity or business entity, including a corporation or partnership, association or
23 other entity or combination thereof, and all corporations, divisions, or entities affiliated with,
24 owned or entities, as well as directors, officers, employees, agents, attorneys or other
25 representatives thereof, or third parties retained by any of the above.

1 C. "DOCUMENT" as used herein refers to and includes any kind of written,
2 typewritten or printed material, any kind of graphic material, or any kind or electronic or
3 mechanically recorded material, including facsimiles and computer discs, however produced or
4 reproduced, whether draft or final, whether signed or unsigned, including each original and
5 nonidentical copy, whether different from the original by means of notes made on such copy or
6 otherwise, and if the original is not in existence, the best copy or reproduction thereof.

7 D. "COMMUNICATION" as used herein refers to any transmission or transfer or
8 information of any kind orally, in writing, or in any other manner, at any time or place, and under
9 any circumstances whatsoever.

10 E. The phrases "RELATING TO", "RELATED TO" and "RELATES TO" as used
11 herein mean summarizing, describing, regarding, containing any record of, reference to or
12 indication of, or referring to in any way.

13 14 **DOCUMENTS TO BE PRODUCED**

15 1. All bank statements for any and all deposit accounts, business and personal, held
16 by DEBTOR within the past 7 years.

17 2. All check registers for any and all checking accounts, business and personal, over
18 which DEBTOR has had any control and/or signature authority within the past 7 years.

19 3. All DOCUMENTS evidencing title to any real property in which DEBTOR has
20 any interest within the past 7 years.

21 4. All DOCUMENTS RELATING TO any real property in which DEBTOR holds
22 or held any interest, in whole or in part within the past 7 years.

23 5. All DOCUMENTS RELATING TO the value of any interest in any real property
24 owned by DEBTOR within the past 7 years.

25 6. All lease DOCUMENTS by which DEBTOR has leased space within the past 7
years.

1 7. All DOCUMENTS RELATING TO any rental of real property by DEBTOR
2 within the past 7 years.

3 8. All financial statements of DEBTOR within the past 7 years.

4 9. All DOCUMENTS RELATING TO any loans by any PERSON to DEBTOR
5 within the past 7 years.

6 10. All DOCUMENTS RELATING TO any loans by DEBTOR to any PERSON
7 within the past 7 years.

8 11. All DOCUMENTS of title for any vehicles owned or leased in whole or in part by
9 DEBTOR within the past 7 years.

10 12. All registration certificates for any vehicles owned or leased in whole or in part by
11 DEBTOR within the past 7 years.

12 13. All DOCUMENTS evidencing any securities accounts owned or controlled by
13 DEBTOR within the past 7 years.

14 14. All DOCUMENTS RELATING TO any corporation, partnership, and/or limited
15 liability company owned or controlled, in whole or in part, by DEBTOR within the past 7 years.

16 15. All pleadings in any legal proceeding in which DEBTOR is a party within the past
17 7 years. For the purposes of this request, the term "pleading" includes any complaint, cross-
18 complaint, amended complaint, answer, amended answer, petition, response to a petition, order,
19 and/or judgment.

20 16. All stock certificates for stock owned by DEBTOR within the past 7 years.

21 17. All bonds owned by DEBTOR within the past 7 years.

22 18. All financial DOCUMENTS for any and all businesses owned and/or operated by
23 DEBTOR within the past 7 years, in whole or in part. Without limiting the generality of the
24 foregoing, the DOCUMENTS in this category include profit and loss statements, cash flow
25 statements, accounts receivable aging reports, general ledgers, and the like.

1 19. All loan DOCUMENTS for any obligation owed by DEBTOR, including but not
2 limited to any promissory notes, credit agreements, and applications for such credit within the
3 past 7 years.

4 20. All DOCUMENTS evidencing any security agreement in which DEBTOR grants
5 any PERSON a security interest in any real or personal property within the past 7 years.

6 21. All DOCUMENTS which reflect any deposit accounts held or controlled by
7 DEBTOR or over which DEBTOR has/had signature authority within the past 7 years.

8 22. All DOCUMENTS RELATING TO any judgments in favor of DEBTOR,
9 whether unsatisfied in whole or in part within the past 7 years.

10 23. All DOCUMENTS RELATING TO any trust in which DEBTOR is a trustor,
11 trustee, or beneficiary within the past 7 years.

12 24. All reports prepared by any bookkeepers, accountants, or certified public
13 accountants employed by DEBTOR or any business owned or controlled by DEBTOR within the
14 past 7 years.

15 25. All DOCUMENTS RELATING TO any safe or safe deposit box owned or held
16 by DEBTOR or any entity owned or controlled by DEBTOR within the past 7 years.

17 26. All DOCUMENTS RELATING TO any rare coins, stamps, jewelry, antiques,
18 and/or works of art in which DEBTOR has an interest within the past 7 years.

19 27. All DOCUMENTS RELATING TO any sources of income of DEBTOR,
20 including, but not limited to, management contracts and the like within the past 7 years.

21 28. All DOCUMENTS RELATING TO any policies of insurance (including, but not
22 limited to, life insurance) in which DEBTOR has any interest within the past 7 years.

23 29. All DOCUMENTS RELATING TO any IRA, pension, or other retirement fund
24 or plan in which DEBTOR has any interest within the past 7 years.

25 30. All DOCUMENTS RELATING TO any transfer of assets by DEBTOR to any
PERSON other than in the normal course of DEBTOR's business within the past 7 years.

1 31. All DOCUMENTS RELATING TO the closure of any business operated by
2 DEBTOR within the past 7 years.

3 32. All DOCUMENTS RELATING TO the closure of any bank accounts held or
4 controlled by DEBTOR within the past 7 years.

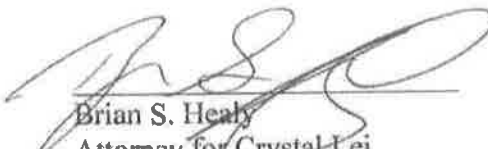
5 33. All DOCUMENTS RELATING TO any storage facility used by DEBTOR to
6 store any assets or records within the past 7 years.

7 34. All DOCUMENTS RELATING TO any COMMUNICATIONS between
8 DEBTOR and any financial institution at which DEBTOR has held any account including,
9 without limitation, all correspondence, notes of conversations, and DOCUMENTS transmitted
10 by facsimile or email within the past 7 years.

11 35. All DOCUMENTS RELATING TO rent or lease payments for the real property
12 commonly known as 100 Pine Street, San Francisco, California.

13 36. any storage facility used by DEBTOR to store any assets or records within the
14 past 7 years.

15
16 I declare under penalty of perjury under the laws of the State of California that the above
17 is true and correct and that this declaration is executed at San Francisco, California, this 15th day
18 of August, 2019.

19
20
21 
22 Brian S. Healy
23 Attorney for Crystal Lei
24
25

SUBP-002

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Brian S. Healy SBN 112371 351 California Street, Suite 600, San Francisco, CA 94104 TELEPHONE NO.: (415) 974-1900 FAX NO.: (415) 974-6433 E-MAIL ADDRESS: ATTORNEY FOR (Name): Judgment Creditor - Crystal Lei	FOR COURT USE ONLY
NAME OF COURT: United States District Court STREET ADDRESS: 450 Golden Gate Ave. MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Northern District	
PLAINTIFF/PETITIONER: Demas W. Yan DEFENDANT/RESPONDENT: Crystal Lei	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION	
CASE NUMBER: 3:11-CV-01814-RS (JSC)	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

Tina Yan a/k/a Tina F. Yan

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action at the date, time, and place shown in the box below **UNLESS** your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: **September 25, 2019** Time: **9:00 a.m.** ☐ Dept.: **IS FI** ☐ Div.: ☐ Room: **F**
 b. Address: **450 Golden Gate Ave., San Francisco, CA 94102**


2. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
3. **YOU ARE** (item a or b must be checked):
- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
- a. Name of subpoenaing party or attorney: **Brian S. Healy** b. Telephone number: **(415) 974-1900**
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: **August 15, 2019**

Brian S. Healy

(TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)
Attorney for Judgment Creditor Crystal Lei
 (TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

SUBP-002

PLAINTIFF/PETITIONER: Demas W. Yan	CASE NUMBER:
DEFENDANT/RESPONDENT: Crystal Lei	3:11-CV-01814-RS (JSC)

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☒ the attached affidavit or ☐ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☐ attorney for (specify): ☐ other (specify):
in the above-entitled action.

2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ☐ SUBPOENAING PARTY ☐ ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

SUBP-002

PLAINTIFF/PETITIONER: Demas W. Yan	CASE NUMBER: 3:11-CV-01814-RS (JSC)
DEFENDANT/RESPONDENT: Crystal Lei	

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum)* for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees (check one):

(1) ☐ were offered or demanded
and paid. Amount: \$ _____

(2) ☐ were not demanded or paid.

f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff or marshal.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Business and Professions Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

1 Brian S. Healy, State Bar No. 112371
2 TIERNEY, WATSON & HEALY
3 A Professional Corporation
4 351 California Street, Suite 600
5 San Francisco, CA 94104
6 Phone: (415) 974-1900
7 Fax: (415) 974-6433
8 Email: brian@tw2law.com

9 Attorney for Judgment Creditor Crystal Lei

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 DEMAS YAN,

14 Appellant,

15 vs.

16 CRYSTAL LEI et al.,

17 Appellees.

) Case No.: 11-CV-1814-RS (JSC)

)
)
)
) **DECLARATION OF BRIAN S. HEALY**
) **IN SUPPORT OF SUBPOENA DUCES**
) **TECUM SERVED ON TINA YAN**

)
)
) Judge: Hon. Jacqueline Scott Corley
) Hearing Date: September 25, 2019
) Time: 9:00 A.M.
) Place: Court Rm. F, 15 Floor
) 450 Golden Gate Ave. S.F.

1 I, Brian S. Healy, declare:

2
3 1. I am an attorney duly licensed to practice law by the State of California and am
4 counsel to judgment creditor Crystal Lei ("Lei") in the above-referenced matter. I am familiar
5 with the matter stated in this declaration from my own personal knowledge, were I called to
6 testify, I would be competent to and would do so.

7 2. Third party examinee, Tina Yan a/k/a Tina F. Yan ("Tina") has been ordered to
8 appear for a debtor's examination pursuant to Code of Civil Procedure § 708.120, *et seq.* The
9 debtor's examination is necessary in order for Lei to determine the assets of the Debtor so Lei
10 may take steps to enforce the judgment against Debtor.

11 3. In that regards, it is necessary and appropriate that Lei have access to documents
12 in Debtor's possession, custody, and/or control which reflect upon the Debtor's assets. The
13 documents to be produced at the debtor's examination are as follows:

14 **DEFINITIONS AND INSTRUCTIONS**

15 Unless the context indicates otherwise, the following words and phrases will be defined
16 and used herein as follows:

17 A. "YOU" and "YOUR" shall mean and refer to Tina, and shall include, without
18 limitation, to all of "YOU" and "YOUR" past and present attorneys, accountants, employees,
19 agents, representative, corporations, predecessor or successor corporations, partnerships, and
20 anyone else acting on "YOU" and "YOUR" behalf or otherwise subject to YOUR control and
21 including representation as successor to spouse and decedent Cheuk Tin Yan.

22 B. Debtor Demas Yan is referred to herein as "DEBTOR" and use of the term
23 "DEBTOR" refers to all of DEBTOR's past and present attorneys, accountants, employees,
24 agents, representative, corporations, predecessor or successor corporations, partnerships and
25 anyone else acting on DEBTOR's behalf or otherwise subject to its control.

1 C. "PERSON" as used herein refers to and includes any natural individual,
 2 governmental entity or business entity, including a corporation or partnership, association or
 3 other entity or combination thereof, and all corporations, divisions, or entities affiliated with,
 4 owned or entities, as well as directors, officers, employees, agents, attorneys or other
 5 representatives thereof, or third parties retained by any of the above.

6 D. "DOCUMENT" as used herein refers to and includes any kind of written,
 7 typewritten or printed material, any kind of graphic material, or any kind or electronic or
 8 mechanically recorded material, including facsimiles and computer discs, however produced or
 9 reproduced, whether draft or final, whether signed or unsigned, including each original and
 10 nonidentical copy, whether different from the original by means of notes made on such copy or
 11 otherwise, and if the original is not in existence, the best copy or reproduction thereof.

12 E. "COMMUNICATION" as used herein refers to any transmission or transfer or
 13 information of any kind orally, in writing, or in any other manner, at any time or place, and under
 14 any circumstances whatsoever.

15 F. The phrases "RELATING TO", "RELATED TO" and "RELATES TO" as used
 16 herein mean summarizing, describing, regarding, containing any record of, reference to or
 17 indication of, or referring to in any way.

18
 19 The time period covered by these document requests is **January 1, 2012 through and**
 20 **including the examination date.**

21 **DOCUMENTS TO BE PRODUCED**

22 1. All bank statements for any and all deposit accounts, business and personal, held
 23 by both YOU and DEBTOR.

24 2. All check registers for any and all checking accounts, business and personal, over
 25 which YOU and DEBTOR has had any control and/or signature authority.

1 3. All DOCUMENTS evidencing title to any real property in which YOU and
2 DEBTOR currently has any interest.

3 4. All DOCUMENTS RELATING TO any real property in which YOU and
4 DEBTOR holds or held any interest, in whole or in part.

5 5. All DOCUMENTS RELATING TO the value of any interest in any real property
6 owned by YOU and DEBTOR.

7 6. All lease DOCUMENTS by which YOU and DEBTOR have leased space.

8 7. All DOCUMENTS RELATING TO any rental of real property by YOU and
9 DEBTOR.

10 8. All financial statements in YOUR possession related to DEBTOR.

11 9. All DOCUMENTS RELATING TO any loans by YOU to DEBTOR.

12 10. All DOCUMENTS RELATING TO any loans by DEBTOR to YOU.

13 11. All DOCUMENTS of title for any vehicles owned or leased in whole or in part by
14 YOU and DEBTOR.

15 12. All registration certificates for any vehicles owned or leased in whole or in part by
16 YOU and DEBTOR.

17 13. All DOCUMENTS evidencing any securities accounts owned or controlled by
18 YOU and DEBTOR.

19 14. All DOCUMENTS RELATING TO any corporation, partnership, and/or limited
20 liability company owned or controlled, in whole or in part, by YOU.

21 15. All pleadings in any legal proceeding in which YOU are a party. For the purposes
22 of this request, the term "pleading" includes any complaint, cross-complaint, amended
23 complaint, answer, amended answer, petition, response to a petition, order, and/or judgment.

24 16. All stock certificates for stock owned by YOU and DEBTOR.

25 17. All bonds owned by YOU and DEBTOR.

1 18. All financial DOCUMENTS for any and all businesses owned and/or operated by
2 YOU and DEBTOR, in whole or in part. Without limiting the generality of the foregoing, the
3 DOCUMENTS in this category include profit and loss statements, cash flow statements,
4 accounts receivable aging reports, general ledgers, and the like.

5 19. All loan DOCUMENTS for any obligation owed by YOU, including but not
6 limited to any promissory notes, credit agreements, and applications for such credit.

7 20. All DOCUMENTS evidencing any security agreement in which YOU grants any
8 PERSON a security interest in any property.

9 21. All DOCUMENTS which reflect any deposit accounts held or controlled by YOU
10 and DEBTOR or over which DEBTOR has/had signature authority.

11 22. All DOCUMENTS RELATING TO any judgments in favor of YOU and
12 DEBTOR, whether unsatisfied in whole or in part.

13 23. All DOCUMENTS RELATING TO any trust in which YOU is a trustor, trustee,
14 or beneficiary.

15 24. All reports prepared by any bookkeepers, accountants, or certified public
16 accountants employed by YOU or DEBTOR or any business owned or controlled by YOU or
17 DEBTOR.

18 25. All DOCUMENTS RELATING TO any safe or safe deposit box owned or held
19 by YOU or DEBTOR or any entity owned or controlled by YOU or DEBTOR.

20 26. All DOCUMENTS RELATING TO any rare coins, stamps, jewelry, antiques,
21 and/or works of art and/or anything value over \$1000 in which DEBTOR has an interest.

22 27. All DOCUMENTS RELATING TO any sources of income of YOU and
23 DEBTOR, including, but not limited to, management contracts and the like.

24 28. All DOCUMENTS RELATING TO any policies of insurance (including, but not
25 limited to, life insurance) in which DEBTOR has any interest.

1 29. All DOCUMENTS RELATING TO any IRA, pension, or other retirement fund
2 or plan in which DEBTOR has any interest.

3 30. All DOCUMENTS RELATING TO any transfer of assets by YOU to DEBTOR
4 or to any PERSON other than in the normal course of YOU or DEBTOR's business.

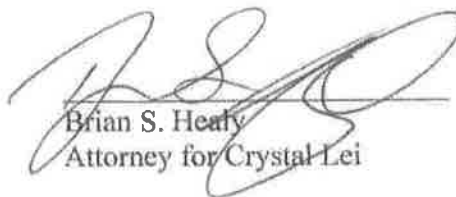
5 31. All DOCUMENTS RELATING TO the closure of any business operated by YOU
6 and DEBTOR.

7 32. All DOCUMENTS RELATING TO the closure of any bank accounts held or
8 controlled by YOU or DEBTOR.

9 33. All DOCUMENTS RELATING TO any storage facility used by YOU and
10 DEBTOR to store any assets or records.

11 34. All DOCUMENTS RELATING TO any COMMUNICATIONS between
12 DEBTOR and any financial institution at which YOU or DEBTOR has held any account
13 including, without limitation, all correspondence, notes of conversations, and DOCUMENTS
14 transmitted by facsimile.

15
16 I declare under penalty of perjury under the laws of the State of California that the above
17 is true and correct and that this declaration is executed at San Francisco, California, this 15 day
18 of August, 2019.

19
20
21 
22 Brian S. Healy
23 Attorney for Crystal Lei
24
25